

**Danielle B. Tierney**

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**From:** Jeff Scott Olson <jsolson@scofflaw.com>  
**Sent:** Thursday, May 27, 2021 3:25 PM  
**To:** Danielle B. Tierney  
**Cc:** Lori M. Lubinsky; William F. Laman; Andrea Farrell  
**Subject:** Estate of Smith Amended Discovery Responses  
**Attachments:** 2021 05 27 Plaintiff's Amended Discovery Responses.pdf

Hi Danielle,

I am attaching amended responses to the three requests for admissions referenced in your email of May 18.

You are correct that we had hoped to be able to develop evidence to the effect that the defendants' excessive force contributed to hastening Thomas Smith's death, and we have been unable to do this.

But I continue to have minor quibbles with questions that refer to "Thomas Smith's cause of death" or ask whether something did or did not "cause Thomas Smith's death," because they seem to imply that there was only one cause of Thomas Smith's death. The Supreme Court and I both believe that "Every event has many causes." For our purposes, though, we agree that the law permits recovery of damages only for injuries of which a defendant's unlawful act was a *proximate* cause, so we are admitting that cardiovascular disease was a proximate cause of Mr. Smith's death and the actions of the individual defendants were not proximate causes of Mr. Smith's death.

I hope the attached is satisfactory.

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